Case 5:10-cv-00496-FB Document 1-3 Filed 06/17/10 Page 1 of 26

RUN DATE: 06/14/2010 Bexar County Centralized Docket System Pg: 1 FGM: DKB4900P

RUN TIME: 15:58:26 JCL: SPPROD

DOCKET INFORMATION

CAUSE NUM: 2010CJ02947

DATE FILED: 02/22/2010

COURT: 037

UNPAID BALANCE:

0,00

TYPE OF DOCKET: DAMAGES

* * * 5 T Y L E * * *

LINDA ALMONTE

VS JP MORGAN CHASE BANK NA

ACCOUNT TYPE: ACCESS: 0

LIST TYPE: C

ACCOUNT NO:

STATUS: PENDING

LITIGANT INFORMATION

SEQ LAST /FIRST /MIDDLE NAME LIT, TYPE/ATTORNEY

DATE

02/22/2010

PLAINTIFF 00001 ALMONTE LINDA

00001 LOYD, J BRUSE

02/22/2010 00002 JP MORGAN CHASE BANK NA DEFENDANT

SERVICES INFORMATION

DIST LITIGANT NAME SEQ SERVICE TYPE / DATES

00001 SITATION

RET: EXE: ISS: 02/23/2010 REC:

00002 CITATION CERTIFIED MAIL 150

ISS: 05/14/2010 REC: 05/14/2010 EXE: 05/19/2010 RET: 05/21/2010

*ATTORNEY INFORMATION *

STATUS DATE DATE FILED BAR NBR. NAME

SELECTED 02/22/2010 00001 02/22/2010 24009032 LOYD, J BRUSE

* PROCEEDING INFORMATION * IMAGE PAGE COUNT DATE FILED REEL SEQ 0000 0000 0000 02/22/2010 00001 DESC: PLAINTIFF'S ORIGINAL PETITION 0000 0000 02/22/2010 00002 DESC: SERVICE ASSIGNED TO CLERK 1 0000 0000 0000 03/12/2010 00003 DESC: LETTER TO DISTRICT CLERK FROM JAMES B EVERHART 0000 03/15/2010 0000 0000 00005 DESC: LETTER TO DISTRICT CLERK FROM NATALIE ANDERSON 0000 0000 00004

03/16/2010 0000

DESC: COPY OF PETITION MAILED TO:

Case 5:10-cv-00496-FB Document 1-3 Filed 06/17/10 Page 2 of 26

RUN DATE: 06/14/2010 Bexar County Centralized Docket System Pg: 2 PGM: DKB4900P RUN TIME: 15:58:26 JCL: SPPROD

	BARRON & NEWBURGER PC			
	1212 GUADALUPE #104			
	AUSTIN, TEXAS 78701-1837	•		
00006	03/17/2010 0000	0000	0000	
	DESC: COPY			
	OF PETITION MAILED TO:			
	NATALIE ANDERSON			
	UNIFUND CCR PARTNERS			
	10625 TECHWOODS CIRCLE			
	CINCINNATI, DHIO 45242			
00007	03/17/2010 0000	0000	0000	
	DESC: LETTER TO DISTRICT CLERK	•		
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00008	03/17/2010 0000	0000	0000	
	DESC: COPY			
	OF PETITION MAILED TO:			
	CRAIG THACKER			
	4265 NEVADA ROAD			
	SPRINGFIELD, IH 45503			
00010	05/12/2010 0000	0000	0000	
	DESC: SERVICE ASSIGNED TO CLER	RK 3		
00013	05/12/2010 0000	0000	0000	
	DESC: FIRST AMENDED ORIGINAL P	ETITIO		
00011	05/13/2010 0000	0000	0000	
	DESC: LETTER TO DISTRICT CLERK			
	FROM JOHN BRUSTER			
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	\$68.00			
00012	05/13/2010 0000	0000	0000	
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Case 5:10-cv-00496-FB Document 1-3 Filed 06/17/10 Page 3 of 26

PRIVATE PROCESS				
"The State of Texas" NO	2010-CI-02947	2010Cl02947 -S00001		
LINDA ALMONTE Plaintiff Vs. JP MORGAN CHASE BANK NA Defendant (Note: Attached Document May Contain Additional Litigants. Citation Directed to: JP MORGAN CHASE BY SERVING ITS REGISTERED AGENT, CT CORI	NOTICE BANK NA	IN THE DISTRICT COURT 37th JUDICIAL DISTRICT BEXAR COUNTY, TEXAS		
"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 22nd day of February , 2010 . ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 23rd DAY OF February A.D., 2010 . PLAINTIFF'S ORIGINAL PETITION				
J BRUSE LOYD Attorney/PLAINTIFF address 1330 POST OAK BLVD 2940 HOUSTON, TX 77056-3026	Distri Bexa San A	GARET G. MONTEMAYOR ct Clerk of Bexar County, Texas county Courthouse antonio Texas 78205 Deputy ENNIFER CONTRERAS		
OFFICER'S RETURN				
Came to hand day of and executed (not executed) the dat o'clockM. by delivering in person a true copy of this citation together. Served at	ig to other with the accompa			
Cause of failure to execute this citation I traveled miles in the execution of this citation. Fees: Serving citation				
\$ Mileage	(Otal ф			
<u></u>		County, Texas		
The State of Texas	ву			
NON - PEACE OFFICER VERIFICATION VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER) SWORN TO this day of,,				

NOTARY PUBLIC, STATE OF TEXAS

FILE COPY (DK002)





JONES, GILLASPIA & LOYD, LLP

ATTORNEYS AT LAW
1300 POST OAK BOULEVARD, SUITE 830
HOUSTON, TEXAS 77056
(713) 225-9000 / FAX (713) 225-6126

May 12, 201

VIA FEDEX

Bexar County District Clerk Attn: Ms. Connie Gomez Civil Filing Bexar County Courthouse 100 Dolorosa San Antonio, Texas 78205

Re:

Cause No. 2010-C1 02947; Linda Almonte v. JP Morgan Chase, N.A

Judicial District Court of Bexar County, Texas

Dear Ms. Gomez:

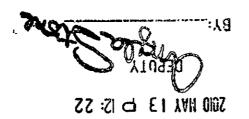
Please find enclosed a check in the amount of \$68.00 made payable to your office for issuance of citation and service of the above-referenced lawsuit.

Thank you for your assistance with this matter.

Sincerely,

John Bruster "Bruse" Loyd

cc: Ms. Linda Almonte



DISTRICT CLERK SAXAT COLEKKS EXAXE

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Case 5:10-cv-00496-FB Document 1-3 Filed 06/17/10 Page 7 of 26



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10 February 22 P12:13
Margaret G. Montemayor
District Clerk
Bexar District
Accepted by:
Consuelo E. Gomez

CAUSE NO. 2010ci 02947

§ §

§

LINDA ALMONTE,

Plaintiff,

v.

JP MORGAN CHASE BANK, N.A.,

Defendant.

IN THE DISTRICT COURT OF

ooga D

BEXAR COUNTY, TEXAS

37 JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, Linda Almonte ("Almonte" or "Plaintiff"), complaining of JP Morgan Chase Bank, N.A. ("Chase" or "Defendant"), and would respectfully show the court as follows:

I.

PARTIES

- 1. Plaintiff is an individual, a resident of Bexar County, Texas and citizen of the State of Texas.
- 2. Defendant JP Morgan Chase Bank, N.A. is a foreign corporation organized and existing in the state of Delaware with its principal place of business at 1111 Polaris Parkway, Columbus, Delaware County, Ohio 43240. Said Defendant may be served through its Texas Registered Agent, C T Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

II.

JURISDICTION, VENUE & DISCOVERY

- 3. Bexar County, Texas is a proper venue pursuant to § 15.002(a)(1) of the Tex. Civ. Prac. & Rem. Code. All or a substantial part of the events giving rise to Plaintiff's claims occurred in Bexar County, Texas.
- 4. Plaintiff intends to conduct discovery under Level 2 of Rule 190 of the Texas Rules of Civil Procedure, specifically Rule 190.3.

III.

FACTS

- Plaintiff was employed by Defendant in its Credit Card Services division as a
 Team Leader within the San Antonio, Texas Collection Litigation Support section.
 - 6. Plaintiff managed three (3) departments for Chase and had many responsibilities.
- 7. In the Summer of 2009, one of her responsibilities became selling a portfolio of, what Chase was actively and intentionally misrepresenting to the federal government, investors, auditors and potential buyers to be, approximately twenty-three thousand (23,000) Chase consumer accounts that had become delinquent, litigated to judgment, and were now ready for collection with a purported gross value in excess of two-hundred million dollars (\$200,000,000).
- 8. In reality, the portfolio was not what Chase was actively representing it to be and Chase knew it.
 - 9. Of the portfolio's approximately twenty-three thousand (23,000) accounts, eleven

thousand, four hundred and seventy-two (11,472) of them were missing adequate documentation of judgment.

- 10. Nearly five thousand (5,000) of the accounts originating from the states of California, Florida, Illinois, New York and New Jersey had incorrect balance information, the vast majority being lower than what Chase was representing.
- 11. Preceding Chase's efforts to misrepresent the content and value of this particular debt portfolio, Chase had grossly mismanaged its business, leading it to find ways to prop up its earnings.
- 12. Plaintiff had witnessed Chase's cutting corners and fudging numbers, but refused to participate in this latest effort by Chase to defraud the federal government, investors, auditors and potential buyers.
- 13. Plaintiff expressed her concerns that Chase was intentionally misrepresenting the portfolio.
- 14. Plaintiff warned Chase that it was violating federal and state law by attempting to defraud the federal government, investors, auditors and potential buyers.
- 15. Plaintiff's manager, Jason Lazinbat ("Lazinbat"), warned her that she had better go along with the plan to sell the misrepresented asset.
- 16. Lazinbat directed Plaintiff to forego the formal processes required to validate the portfolio.
 - 17. Plaintiff elevated her concerns to the next level of Chase management.
 - 18. Plaintiff made it clear to Chase management that it was violating federal, and

possibly state, law by intentionally misrepresenting material aspects of a \$200,000,000 transaction.

- 19. Plaintiff made it clear to Chase management that she would not participate in the fraud.
- 20. Because Plaintiff refused to participate in Chase's fraud, and the criminal conduct related thereto, Chase terminated her on November 30, 2009.

IV.

WRONGFUL DISCHARGE – SABINE PILOT ACTION

- 21. Plaintiff incorporates by reference all preceding paragraphs as if fully stated herein.
 - 22. Plaintiff now sues as a result of Chase's wrongful acts, detailed above.
 - 23. Plaintiff was an at-will employee for Chase.
 - 24. Plaintiff refused to perform illegal acts, despite orders and threats by Chase.
- 25. Plaintiff was terminated solely because of her refusal to perform illegal acts on behalf of Chase.

V.

DAMAGES

- 26. As a direct result of Defendant's acts and omissions, Plaintiff suffers damages for which Defendant is liable.
- 27. Plaintiff prays that she recover from Defendant actual damages, statutory damages, general damages, special damages, nominal damages, punitive damages, expenses,

costs of court and all other relief, either general or special, at law or in equity, to which she is entitled.

28. In addition, Plaintiff seeks attorneys' fees, expert witness fees, pre-judgment and post judgment interest, and costs of court as allowed by law.

VI.

JURY DEMAND

29. Plaintiff hereby demands a jury trial on all issues that can be submitted to a jury.

VII.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that Defendant be cited to appear and answer, and that upon final hearing of this matter, Plaintiff have judgment against Defendant for the following:

- (1) actual damages;
- (2) attorneys' fees;
- (3) exemplary damages:
- (4) court costs;
- (5) pre-judgment and post-judgment interest;
- (6) such other and further relief in law and in equity as this Court may deem just and proper.

Dated: February 22, 2010

Respectfully submitted,

By: /s/ John Bruster Loyd

John Bruster "Bruse" Loyd Texas Bar No. 24009032 S.D. Tex. ID No. 23240 Kathleen A. O'Connor Texas Bar No. 00793468 S.D. Tex. ID No. 63644 1300 Post Oak, Suite 830 Houston, Texas 77056

Telephone: 713.225.9000 Facsimile: 713.225.6126 bruse@jgl-law.com

ATTORNEYS-IN-CHARGE FOR LINDA ALMONTE

OF COUNSEL:

JONES, GILLASPIA & LOYD, L.L.P. 1300 Post Oak, Suite 830 Houston, Texas 77056 Telephone: 713.225.9000 Facsimile: 713.225.6126

CERTIFIED MAIL #71603901984631284989 "The State of Texas" NO			
The State of Texas NO	2010-CI-02947 2010CI02947 -S00002		
LINDA ALMONTE Plaintiff Vs.	IN THE DISTRICT COURT		
JP MORGAN CHASE BANK NA	37th JUDICIAL DISTRICT		
Defendant (Note: Attached Document May Contain Additional Litigants	BEXAR COUNTY, TEXAS		
Citation Directed to: JP MORGAN CHAS	NOTICE		
THE THE PROPERTY OF MORGAN CHAS	E BAIVA IVA		
BY SERVING ITS REGISTERED AGENT, CT COI 350 N ST PAUL STEE DALLAS TX 75201	RPORATION SYSTEM		
"You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you." Said petition was filed on the 12th day of May, 2010 . ISSUED UNDER MY HAND AND SEAL OF SAID COURT ON THIS 14th DAY OF May A.D., 2010 . FIRST AMENDED ORIGINAL PETITION			
J BRUSE LOYD Attorney/PLAINTIFF address 1300 POST OAK BLVD 830 HOUSTON, TX 77056-3043	MARGARET G. MONTEMAYOR District Clerk of Bexar County, Texas Bexar County Courthouse San Antonio, Texas (7820) By: TRACY LYNDSEY		
Of	FICER'S RETURN		
EXECUTED (NOT EXECUTED) by CERTI	y, A.D., <u>2010</u> at <u>9:32</u> o'clock <u>A</u> .M. and FIED MAIL, on the day of, A.D. a true copy of this a true copy of this, upon which I endorsed the date of delivery, togethe		
with the accompanying copy of the FIRST AMENDED ORIGINAL PETITION			
Cause of failure to execute this	is		
	MARGARET G. MONTEMAYOR		
	Clerk of the District Courts of		
	Bexar County, Texas		

Deputy

Ву _____

Ütan

02947

10 May 12 P1:34
Margaret G. Montema
District Clerk
Bexar District
Accepted by:
Consuelo E. Gomez

CAUSE NO. 2010-C=T02947

8

LINDA ALMONTE,

Plaintiff,

٧.

JP MORGAN CHASE BANK, N.A.,

Defendant.

IN THE DISTRICT COURT OF

EXAR COUNTY

37th JUDICIAL DISTRICT

PLAINTIFF'S FIRST AMENDED ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, Linda Almonte ("Almonte" or "Plaintiff"), complaining of JP

Morgan Chase Bank, N.A. ("Chase" or "Defendant"), and would respectfully show the court as follows:

I.

PARTIES

- 1. Plaintiff is an individual, a resident of Bexar County, Texas and citizen of the State of Texas.
- 2. Defendant JP Morgan Chase Bank, N.A. is a foreign corporation organized and existing in the state of Delaware with its principal place of business at 1111 Polaris Parkway, Columbus, Delaware County, Ohio 43240. Said Defendant may be served through its Texas Registered Agent, C T Corporation System, 350 N. St. Paul Street, Dallas, Texas 75201.

9

II.

JURISDICTION, VENUE & DISCOVERY

- 3. Bexar County, Texas is a proper venue pursuant to § 15.002(a)(1) of the Tex. Civ. Prac. & Rem. Code. All or a substantial part of the events giving rise to Plaintiff's claims occurred in Bexar County, Texas.
- 4. Plaintiff intends to conduct discovery under Level 2 of Rule 190 of the Texas Rules of Civil Procedure, specifically Rule 190.3.

III.

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- Plaintiff was employed by Defendant in its Credit Card Services division as a
 Team Leader within the San Antonio, Texas Collection Litigation Support section.
 - 6. Plaintiff managed three (3) departments for Chase and had many responsibilities.
- 7. In the Summer of 2009, one of her responsibilities became selling a portfolio of, what Chase was actively and intentionally misrepresenting to the federal government, investors, auditors and potential buyers to be, approximately twenty-three thousand (23,000) Chase consumer accounts that had become delinquent, litigated to judgment, and were now ready for collection with a purported gross value in excess of two-hundred million dollars (\$200,000,000).
- 8. In reality, the portfolio was not what Chase was actively representing it to be and Chase knew it.
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- 10. Nearly five thousand (5,000) of the accounts originating from the states of California, Florida, Illinois, New York and New Jersey had incorrect balance information, the vast majority being lower than what Chase was representing.
- 11. Preceding Chase's efforts to misrepresent the content and value of this particular debt portfolio, Chase had grossly mismanaged its business, leading it to find ways to prop up its earnings.
- 12. Plaintiff had witnessed Chase's cutting corners and fudging numbers, but refused to participate in this latest effort by Chase to defraud the federal government, investors, auditors and potential buyers.
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 - 18. Plaintiff made it clear to Chase management that it was violating federal, and

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- 20. Because Plaintiff refused to participate in Chase's fraud, and the criminal conduct related thereto, Chase terminated her on November 30, 2009.

IV.

WRONGFUL DISCHARGE - SABINE PILOT ACTION

- 21. Plaintiff incorporates by reference all preceding paragraphs as if fully stated herein.
 - 22. Plaintiff now sues as a result of Chase's wrongful acts, detailed above.
 - 23. Plaintiff was an at-will employee for Chase.
- 24. Plaintiff refused to perform illegal acts, despite orders and threats by Chase. These illegal acts include, but are not necessarily limited to, violations of 18 U.S.C. §1346 (honest services fraud), 18 U.S.C. §1341 (mail fraud), and 18 U.S.C. §1343 (wire fraud).
- 25. Plaintiff was terminated solely because of her refusal to perform illegal acts on behalf of Chase.

V.

DAMAGES

26. As a direct result of Defendant's acts and omissions, Plaintiff suffers damages for which Defendant is liable. The damages sought are within the jurisdictional limits of this court.

- 27. Plaintiff prays that she recover from Defendant actual damages, statutory damages, general damages, special damages, nominal damages, punitive damages, expenses, costs of court and all other relief, either general or special, at law or in equity, to which she is entitled.
- 28. In addition, Plaintiff seeks attorneys' fees, expert witness fees, pre-judgment and post judgment interest, and costs of court as allowed by law.

VI.

JURY DEMAND

29. Plaintiff hereby demands a jury trial on all issues that can be submitted to a jury.

VII.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that Defendant be cited to appear and answer, and that upon final hearing of this matter, Plaintiff have judgment against Defendant for the following:

- (1) actual damages;
- (2) attorneys' fees;
- (3) exemplary damages:
- (4) court costs;
- (5) pre-judgment and post-judgment interest;
- (6) such other and further relief in law and in equity as this Court may deem just and proper.

Dated: May 12, 2010

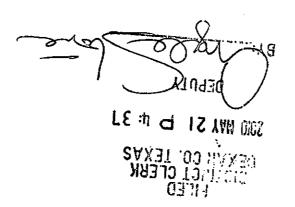
Respectfully submitted,

By: /s/ John Bruster Loyd

John Bruster "Bruse" Loyd Texas Bar No. 24009032 S.D. Tex. ID No. 23240 Kathleen A. O'Connor Texas Bar No. 00793468 S.D. Tex. ID No. 63644 1300 Post Oak, Suite 830 Houston, Texas 77056 Telephone: 713.225.9000 Facsimile: 713.225.6126 bruse@jgl-law.com

ATTORNEYS FOR PLAINTIFF LINDA ALMONTE

CERTIFIED MAIL #71603901984631284989		
"The State of Texas"	IO. <u>2010-CI-02947</u>	2010Cl02947 -S00002
LINDA ALMONTE Plaintiff vs.		IN THE DISTRICT COURT
		37th JUDICIAL DISTRICT
JP MORGAN CHASE BANK NA Defendant (Note: Attached Document May Contain Additional Litigation	notice Notice	BEXAR COUNTY, TEXAS
Citation Directed to: JP MORGAN CHA	ASE BANK NA	
BY SERVING ITS REGISTERED AGENT, CT C 350 N ST PAUL STI DALLAS TX 75201	CORPORATION SYSTEM	
"You have been sued. You may entire a written answer with the classified with the classified on the state of	erk who issued the ation of twenty dating the date of twenty date of the detection of the d	is citation by 10:00 a.m. on the lys after you were served this ken against you." Said petition
FIRST AMENDED ORIGINAL PETITION	•	
J BRUSE LOYD Attorney/PLAINTIFF address 1300 POST OAK BLVD 830 HOUSTON, TX 77056-3043	D B	ARGARET G. MONTEMAYOR istrict Clerk of Bexar County, Texas exar County Courthouse an Antonio, Texas 78205 y. Macy N. Franky Deputy TRACY LINDSEY
	OFFICER'S RETURN	
Came to hand on the 14th day of MEXECUTED (NOT EXECUTED) by CER citation with the accompanying copy of the FI	TIFIED MAIL, on the	day of <u>VVQQ</u> , A.D., a true copy of this lorsed the date of delivery, together
Cause of failure to execute this		
		is
•	MARGARET G. MO	ONTEMAYOR
	Clerk of the Distric	
	Bexar County, Tex	as /
	By Macy N.	Deputy



Page 24 of 26

	Case 5:10-cv-00496-FB US Postal Service Postage	Document 1-3	Filed 06/17/10	Page 25 of 26
ड्राटक भनकन	Certified Mail Receipt Domestic Mail Only No Insurance Certified Fee Certifi		Postmark Here	
7160 3901 98 4 6	Sent To: JP MORGAN CHASE BANK NA C/O CT CORPORATION SYSTEM 350 N ST PAUL STEET DALLAS. TX 75201 20 10C 102947 5/14/2010 CITCM TRACY LINDSEY			
	PS Form 3800, January 2005 US Postal Se	rvice C	ertified Mail Receipt	2

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Case 5:10-cv-00496-FB Document 1-3 Filed 06/17/10 Page 26 of 26

- A mailing sece.pt
- A unique identifier for your mailpisce
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail or Priority Mail.
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider (neured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse maipiece 'Return Receipt Requested'. To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the malipleca with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix lacel with postage and mail.

IMPORTABLE: Save this receipt and present it when making an inquiry.

PS Form 3800, January 2005 (Reverse)